

# MANDATE

USDC / MA  
04 - 40103  
Steams, R.

## United States Court of Appeals For the First Circuit

No. 05-1050

JOSEPH MARION HEAD, JR.

Plaintiff - Appellant

v.

UNITED STATES; DAVID L. WINN; STATE OF NORTH CAROLINA

Defendants - Appellees

### JUDGMENT

Entered: May 9, 2005

By notice issued April 20, 2005, appellant was notified that he was in default for failure to file an opening brief. Appellant was warned that unless he filed a brief by May 4, 2005, his appeal would be dismissed for lack of diligent prosecution.

Appellant having failed to file a brief, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Loc. R. 45(a) and 3(b).

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

10/28/05  
Deputy Clerk

Date: 10/28/05

By the Court:  
Richard Cushing Donovan, Clerk

**JULIE GREGG**

By: \_\_\_\_\_  
Operations Manager

[cc: Joseph Marion Head, Jr., Roy Cooper, Esq. and Michael J. Sullivan, Esq.]